

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs May 30, 2002

**C.M.R., ET AL. v. L.S.A.**

**Appeal from the Juvenile Court for Bradley County**  
**No. 8562-J C. Van Deacon, Jr., Judge**

**FILED JUNE 21, 2002**

**No. E2001-02972-COA-R3-JV**

In this paternity action, the trial court dismissed the petition on the ground that it was filed outside the period of the applicable statute of limitations. The petitioners appeal, arguing that the trial court erred in finding that the statute of limitations for paternity actions, T.C.A. § 36-2-306(a) (2001), begins to run on the date of a child's 18th birthday. We affirm the judgment of the trial court.

**Tenn.R.App.P. 3 Appeal as of Right; Judgment of the Juvenile Court**  
**Affirmed; Case Remanded**

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which HOUSTON M. GODDARD, P.J., and D. MICHAEL SWINEY, J., joined.

Lisa M. Mack, Chattanooga, for the appellants, C.M.R. and S.L.R.

Larry D. Wright, Cleveland, for the appellee, L.S.A.

**OPINION**

C.M.R. and his mother, S.L.R., filed their petition on June 5, 2001. The petition requests that the court find and declare L.S.A. to be C.M.R.'s natural father. C.M.R. was born out of wedlock on June 19, 1979. The trial court granted L.S.A.'s motion to dismiss on the ground that the applicable statute of limitations had expired. That statute, T.C.A. § 36-2-306(a), provides, in relevant part, as follows:

An action to establish the parentage of a child may be instituted before or after the birth of the child and until three (3) years beyond the child's age of majority.

As quoted verbatim from their brief, the petitioners argue for the following construction of the statute:

It is Plaintiffs/Appellants' contention that age of majority is age 18 years of age and that you are age 18 until you turn age 19 on your next birthday. Therefore, the three (3) years should be calculated [from] not the day [C.M.R.] turns age 18 but the day he no longer is age 18 since the legislature decided to use the wording "beyond."

The petitioners are correct that the age of majority is 18. *See* T.C.A. § 1-3-113(a) (Supp. 2001). However, they are incorrect in asserting that "you are age 18 until you turn age 19 on your next birthday." While in normal parlance a person's age is stated in terms of his or her age at the time of his or her last birthday, this does not mean, for example, that one is technically 18 for 364 days following his or her 18th birthday. The day after a person's 18th birthday, he or she is precisely 18 years and one day old. Calling that person "18" for the remainder of the year is a practical but imprecise linguistic shorthand.

In any event, we are required to construe the words of this statute according to their natural and ordinary meaning. *Nichols v. Atnip*, 844 SW.2d 655, 659 (Tenn. Ct. App. 1992). Applying this rule of construction, we have no doubt that the legislature intended the phrase "until three (3) years beyond the child's age of majority" to mean three years beyond the date on which the child attained the age of majority. *Accord State ex rel. Lipford v. Hudson*, C/A No. 02A01-9104-JV-00080, 1991 Tenn. App. LEXIS 851, at \*5 (Tenn. Ct. App. W.S., filed October 31, 1991).

As the trial court found, this action was filed more than three years after June 19, 1997, the date of C.M.R.'s 18th birthday. The trial court correctly dismissed the petition as time-barred.

The judgment of the trial court is affirmed and the case remanded for collection of costs assessed there. Costs on appeal are assessed to the appellants, C.M.R. and S.L.R.

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CHARLES D. SUSANO, JR., JUDGE